

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE JONES,

Plaintiff, No. CIV S-04-1933 DFL GGH P

vs.

LIEUTENANT E. SANDY, et al.,

Defendants. ORDER

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On September 9, 2005, plaintiff filed a “motion in opposition to defendants motion to dismiss plaintiff’s complaint.” That document was not served on defendants. Plaintiff is advised that every document submitted to the court for consideration must be served on defendants. Fed. R. Civ. P. 5. Documents not to be served electronically are usually served by placing a copy in the U.S. mail. If an attorney has filed a document with the court on behalf of any defendants, then documents submitted by plaintiff must be served on that attorney and not on the defendants. Every document submitted conventionally to the court (e.g., by a prisoner proceeding pro se) must include a certificate stating the date an accurate copy of the document was mailed to defendants or their attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c).

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Accordingly, IT IS HEREBY ORDERED that within fifteen days from the date of this order plaintiff shall serve a copy of plaintiff's September 9, 2005 "motion in opposition to defendants motion to dismiss plaintiff's complaint" on counsel for defendants and shall file proper proof of said service. Plaintiff is cautioned that failure to comply with this order may result in the imposition of sanctions. Plaintiff is further cautioned that failure to serve any documents subsequently filed in this action properly, and failure to include a proper certificate of service with such filing, may result in a recommendation that this action be dismissed.

DATED: 9/20/05

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWSS  
UNITED STATES MAGISTRATE JUDGE

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